

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 22, 2004
SAN FRANCISCO, CALIFORNIA**

S129125

B175054 Second Appellate District,
Division Six

GOLETA, CITY OF v. S.C. (OLY CHADMAR
SANDPIPER GENERAL PARTNERSHIP
Petition for review granted

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin,
Brown, and Moreno, JJ.

S129852

B166937 Second Appellate District,
Division Six

PEOPLE v. GILES
Petition for review granted; issues limited

The issues to be briefed and argued are limited to the following: Did defendant forfeit his Confrontation Clause claim regarding admission of the victim's prior statements concerning an incident of domestic violence (see Evid. Code § 1370) under the doctrine of "forfeiture by wrongdoing" because defendant killed the victim, thus rendering her unavailable to testify at trial? Does the doctrine apply where the alleged "wrongdoing" is the same as the offense for which defendant was on trial?

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin,
and Moreno, JJ.

S110887

G028823 Fourth Appellate District,
Division Three

REEVES (JAMES GREEBE) ON H.C.
Supplemental briefing ordered

The court requests the parties to submit supplemental letter briefs expressing their views on the following possible interpretation of Penal Code section 2933.1, subdivision (a): The statute limits to 15 percent the rate at which a prisoner convicted of and actually serving a term for a violent offense may earn worktime credit, even though such a prisoner is also serving a concurrent term for a nonviolent offense; however, once such a prisoner has completed the term for the violent offense and remains in custody only to serve the remainder of the concurrent term for the nonviolent

offense, such a prisoner becomes prospectively eligible to earn worktime credit at a rate not limited by the statute.

The parties are requested to file simultaneous letter briefs by January 16, 2005 and may file simultaneous reply letter briefs by January 23, 2005.

Werdegar, J., was absent and did not participate.

S113466

C038753 Third Appellate District

MARINE FORESTS SOCIETY v. COASTAL COMM
Supplemental briefing ordered

The parties are requested to file supplemental letter briefs addressed to the following issue: What effect, if any, does the doctrine that “[b]ecause relief by injunction operates in the future, appeals of injunctions are governed by the law in effect at the time the appellate court gives its decision” (6 Witkin, Cal. Procedure (4th ed. 1997) Provisional Remedies, § 399, pp. 324-325 & cases cited; see also 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 332, p. 373 & cases cited) have on the resolution of the issues in this case?

The parties must file simultaneous supplemental briefs in the San Francisco office of the Supreme Court on or before January 17, 2004. Simultaneous reply briefs may be filed on or before January 24, 2004. Any amicus curiae that wishes to file a brief on this issue must file an application to file such a brief, accompanied by a copy of the proposed brief, on or before January 17, 2004.

Werdegar, J., was absent and did not participate.

S128638

E034087 Fourth Appellate District,
Division Two

PEOPLE v. JILES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Giles*, S129852 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing,

pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin, and Moreno, JJ.

S128934

A104817 First Appellate District,
A106306 Division One

MARCUS v. TRAUTMAN

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Jevne v. Superior Court*, S121532 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., and Baxter, J., were recused and did not participate.
Werdegar, J., was absent and did not participate.
Votes: Moreno, A.C.J., Kennard, Chin, and Brown, JJ.

S129060

D041819 Fourth Appellate District,
Division One

PEOPLE v. BUTLER

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Defendant's petition for review denied.

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

S129187

G031197 Fourth Appellate District,
Division Three

ADAMS v. LEWIS

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Priebe v. Nelson*, S126412 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

S128554

B165008 Second Appellate District,
Division Seven

HALLSTROM v. BARKER

Petition for review granted; transferred to CA 2/7

The cause is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to rehear the matter pursuant to Government Code section 68081.

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

S129552

A107367 First Appellate District,

Division Three

GRAY v. S.C. (MEDICAL BOARD OF CALIFORNIA)

Review granted on court's own motion; transferred to CA 1/3

Review is GRANTED on this court's own motion. The cause is transferred to the Court of Appeal, First Appellate District, Division Three, at the request of that court, which is directed to vacate its original decision and refile its opinion as modified.

Werdegar, J., was absent and did not participate.
Votes: George, C.J., Kennard, Chin, Brown, and Moreno, JJ.

S124366BOSCAINO (VINCENT) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S070934WALKER (MARVIN P.) ON H.C.
Petition for writ of habeas corpus denied

The petition for writ of habeas corpus filed on June 5, 1998, is denied.

Each claim is denied on the merits for failure to state a prima facie case for relief.

Except for Claim XV, each claim is also denied as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799.)

In addition, the following claims are denied on the ground that they could have been, but were not, raised on appeal (See *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claims V, IX, and XI (to the extent the newly asserted constitutional/legal grounds in support of these claims could have been raised on appeal), XIV, and XVI (to the extent this claim alleges prosecutorial misconduct during closing argument).

The following claims are denied on the ground that they were raised and rejected on appeal (See *In re Harris, supra*, 5 Cal.4th at p. 825; *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claims IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, and XVI (to the extent this claim alleges prosecutorial misconduct during jury selection).

Claim XVIII is further denied on the ground that claims of insufficiency of evidence are not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

Brown, J., would deny all claims solely on the merits.

Werdegart, J., was absent and did not participate.

S126363

WITTE v. STATE BAR OF CALIFORNIA
Petition for writ of review denied

Werdegar, J., was absent and did not participate.

S128282

G033378 Fourth Appellate District,
Division Three

CHAVEZ v. S.C. (PEOPLE)
Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.
Werdegar, J., was absent and did not participate.

S128496

B175997 Second Appellate District,
Division One

SMITH (MARK) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128521

B178127 Second Appellate District,
Division Two

FERNANDEZ (MARTIN) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128535

H027927 Sixth Appellate District

BRIEGER v. S.C. (STATE FARM GENERAL INS.)
Petition for review denied

Werdegar, J., was absent and did not participate.

S128541

H027757 Sixth Appellate District

GRAFF (KELLY A.) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128622

B178007 Second Appellate District,
Division Five

CONTRERAS (SAMUEL) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128628

B165638 Second Appellate District,
B166009 Division Eight
B170564
B170629

ALCH v. S.C. (TIME WARNER ENTERTAINMENT)
Petitions for review & depublication request denied

George, C.J., and Brown, J., were recused and
did not participate.
Werdegar, J., was absent and did not participate.

S128682

B169994 Second Appellate District,
Division Two

ROSOFF v. SLOTKIN
Petition for review denied

Werdegar, J., was absent and did not participate.

S128687

B177177 Second Appellate District,
Division Five

GOLDSTEIN v. RALPH'S GROCERY COMPANY
Petition for review denied

Werdegar, J., was absent and did not participate.

S128691

B166361 Second Appellate District,
Division Seven

SUNSET SHERBOURNE HOLDINGS v.
MACCHIARELLA
Petition for review denied

Werdegar, J., was absent and did not participate.

S128694

B167254 Second Appellate District,
Division Seven

CHEEKS v. CALIFORNIA FAIR PLAN
Petition for review denied

Werdegar, J., was absent and did not participate.

S128726

B178111 Second Appellate District,
Division Three

SHAH (MOHAMMED) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128763

H025817 Sixth Appellate District

CLIFFORD v. PECK
Petition for review denied

Werdegar, J., was absent and did not participate.

S128858

B165771 Second Appellate District,
Division Four

CALIF. FAIR EMPLOYMENT & HOUSING COMMN
v. GEMINI ALUMINUM CORP.

Petition for review & depublication request denied

Werdegar, J., was absent and did not participate.

S128860

C044375 Third Appellate District

PEOPLE v. CARTER

Petitions for review denied

Petitions for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

S128861

H025734 Sixth Appellate District

PEOPLE v. GARCIA

Petition for review denied

Werdegar, J., was absent and did not participate.

S128898

D042795 Fourth Appellate District,
Division One

PEOPLE v. LAWRENCE

Petition for review denied

Werdegar, J., was absent and did not participate.

S128899

A099947 First Appellate District,
Division Two

PEOPLE v. HART

Petition for review denied

Werdegar, J., was absent and did not participate.

S128926

C041378 Third Appellate District

PEOPLE v. NICKSON

Petition for review denied

Werdegar, J., was absent and did not participate.

S128930

A103857 First Appellate District,
Division Four

PEOPLE v. GEBRO

Petition for review denied

Werdegar, J., was absent and did not participate.

S128960
H026067 Sixth Appellate District

PEOPLE v. HEIDINGER
Petition for review denied

Werdegar, J., was absent and did not participate.

S128961
H027617 Sixth Appellate District

HEIDINGER (GERALD) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128963
B170730 Second Appellate District,
Division Six

SAFECO INSURANCE v. PARKS
Petition for review denied

Werdegar, J., was absent and did not participate.

S128966
B163319 Second Appellate District,
Division Three

AZTECA AMERICA STATIONS GROUP v.
CITICORP VENTURE CAPITAL LTD.
Petition for review denied

Applications to appear pro hac vice granted.
(Cal. Rules of Court, rule 983(b).)

Werdegar, J., was absent and did not participate.

S128973
E036763 Fourth Appellate District,
Division Two

HARVEY (DERRICK L.) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S128987
B178393 Second Appellate District,
Division Seven

MEDINA (EDGAR R.) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129021
C043378 Third Appellate District

PEOPLE v. GUTIERREZ
Petition for review denied

Werdegar, J., was absent and did not participate.

S129023
H027857 Sixth Appellate District

GEZZI (RONALD ALLAN) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129034
H027926 Sixth Appellate District

PORTEE (DAVID B.) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129037
B168679 Second Appellate District,
Division Six

PEOPLE v. FERRELL
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.
Werdegar, J., was absent and did not participate.

S129058
H028045 Sixth Appellate District

ABDELNABI v. S.C. (PEOPLE)
Petition for review denied

Werdegar, J., was absent and did not participate.

S129063
B167680 Second Appellate District,
Division Three

PEOPLE v. MARTINEZ
Petitions for review denied

Werdegar, J., was absent and did not participate.

S129081
B178680 Second Appellate District,
Division One

GALLANT v. S.C. (CITY OF CARSON)
Petition for review denied

Werdegar, J., was absent and did not participate.

S129103
C045968 Third Appellate District

PEOPLE v. FARNHAM
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) ___
U.S. ___ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

S129104
H027962 Sixth Appellate District

SPARRER v. W.C.A.B. (S.C.I.F.)
Petition for review denied

Werdegar, J., was absent and did not participate.

S129112
C048048 Third Appellate District

JONES (WILLIE RAY) ON H.C.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129116
B168611 Second Appellate District,
Division Seven

M. (RAUL), IN RE
Petition for review denied

Werdegar, J., was absent and did not participate.

S129118
G034609 Fourth Appellate District,
Division Three

CHON v. S.C. (PEOPLE)
Petition for review denied

Werdegar, J., was absent and did not participate.

S129120
B169910 Second Appellate District,
Division One

BALLMER v. FRANCHISE TAX BOARD
Petition for review denied

Werdegar, J., was absent and did not participate.

S129124
B166276 Second Appellate District,
Division Five

BURRELL v. CALIFORNIA TEAMSTERS etc., et al.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129126
B163386 Second Appellate District,
Division One

WILLIAMS v. GERSTEIN
Petition for review denied

Werdegar, J., was absent and did not participate.

S129130
B167046 Second Appellate District,
Division Three

PEOPLE v. RAMIREZ
Petition for review denied

Werdegar, J., was absent and did not participate.

S129144

A099675 First Appellate District,
Division Three

PEOPLE v. JENKINS

Petition for review denied

Werdegar, J., was absent and did not participate.

S129156

A105407 First Appellate District,
Division One

SNYDER TRUST ENTERPRISES v. WORLDPOINT

Petition for review denied

Werdegar, J., was absent and did not participate.

S129160

C044657 Third Appellate District

PEOPLE v. BRIGGS

Petition for review denied

Werdegar, J., was absent and did not participate.

S129170

H025809 Sixth Appellate District

PEOPLE v. SHELTON

Petition for review denied

Werdegar, J., was absent and did not participate.

S129183

A108171 First Appellate District,
Division Five

CURTAIN WALL DESIGN & CONSULTING v. S.C.
(MEISWINKEL)

Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S129207

B169082 Second Appellate District,
Division Five

PEOPLE v. COLLINS

Petition for review denied

Werdegar, J., was absent and did not participate.

S129214

B165828 Second Appellate District,
Division Four

PEOPLE v. RODRIGUEZ

Petition for review denied

Werdegar, J., was absent and did not participate.

S129224

B158369 Second Appellate District,
Division One

PEOPLE v. ORTIZ

Petition for review denied

Werdegar, J., was absent and did not participate.

S129225

B178787 Second Appellate District,
Division Eight

SAFECO INSURANCE v. S.C. (RUIZ)

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

Werdegar, J., was absent and did not participate.

S129228

G032221 Fourth Appellate District,
Division Three

K. (ALEX), IN RE

Petition for review denied

Werdegar, J., was absent and did not participate.

S129230

C045264 Third Appellate District

J. (M.), IN RE

Petition for review denied

Werdegar, J., was absent and did not participate.

S129233

C044706 Third Appellate District

PEOPLE v. ELBADRY

Petition for review denied

Werdegar, J., was absent and did not participate.

S129237

F044017 Fifth Appellate District

PEOPLE v. RIVERA

Petition for review denied

Werdegar, J., was absent and did not participate.

S129243

B171284 Second Appellate District,
Division Five

PEOPLE v. NELSON

Petition for review denied

Werdegar, J., was absent and did not participate.

S129245

F044379 Fifth Appellate District

PEOPLE v. VALDEZ

Petition for review denied

Werdegar, J., was absent and did not participate.

S129247

A105078 First Appellate District,
Division Five

S. (CAROLYN), IN RE

Petition for review denied

Werdegar, J., was absent and did not participate.

S129250

A103541 First Appellate District,
Division Three

PEOPLE v. CARPENTER
Petition for review denied

Werdegar, J., was absent and did not participate.

S129253

G032897 Fourth Appellate District,
Division Three

PEOPLE v. GONZALES
Petition for review denied

Werdegar, J., was absent and did not participate.

S129258

G033479 Fourth Appellate District,
Division Three

PEOPLE v. ZARZA
Petition for review denied

Werdegar, J., was absent and did not participate.

S129262

C045005 Third Appellate District

PEOPLE v. GOLDTHREAD
Petition for review denied

Werdegar, J., was absent and did not participate.

S129264

B169443 Second Appellate District,
Division Six

R. (NAJEB), IN RE
Petition for review denied

Werdegar, J., was absent and did not participate.

S129268

F044271 Fifth Appellate District

O. (GRANT), IN RE
Petition for review denied

Werdegar, J., was absent and did not participate.

S129269

C040993 Third Appellate District

PEOPLE v. OROY
Petition for review denied

Werdegar, J., was absent and did not participate.

S129277

G032768 Fourth Appellate District,
Division Three

PEOPLE v. COLEMAN
Petition for review denied

Werdegar, J., was absent and did not participate.

S129283

B167530 Second Appellate District,
Division Three

MIR v. IUNGERICH & SPACKMAN

Petition for review denied

Werdegar, J., was absent and did not participate.

S129290

B166187 Second Appellate District,
Division Two

VERCELLI v. SMITH

Petition for review denied

Werdegar, J., was absent and did not participate.

S129291

B171864 Second Appellate District,
Division Five

PEOPLE v. SANCHEZ

Petition for review denied

Werdegar, J., was absent and did not participate.

S129293

C043592 Third Appellate District

PEOPLE v. BURDYSHAW

Petition for review denied

Werdegar, J., was absent and did not participate.

S129300

A103409 First Appellate District,
Division Five

PEOPLE v. OROZCO

Petition for review denied

Werdegar, J., was absent and did not participate.

S129314

F044100 Fifth Appellate District

PEOPLE v. FIGUEROA

Petition for review denied

Werdegar, J., was absent and did not participate.

S129315

E034608 Fourth Appellate District,
Division Two

PEOPLE v. YOUNG

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

S129323

B169301 Second Appellate District,
Division Five

PEOPLE v. HOWARD

Petition for review denied

Werdegar, J., was absent and did not participate.

S129326

B168464 Second Appellate District,
Division One

RICE v. YOHO

Petition for review denied

Werdegar, J., was absent and did not participate.

S129330

D043916 Fourth Appellate District,
Division One

PEOPLE v. WILSON

Petition for review denied

Werdegar, J., was absent and did not participate.

S129339

C044186 Third Appellate District

PEOPLE v. COOLEY

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

S129345

C046099 Third Appellate District

C. (VALENTINO), IN RE

Petition for review denied

Werdegar, J., was absent and did not participate.

S129358

A108281 First Appellate District,
Division Three

ALICEA v. S.C. (PEOPLE)

Petition for review denied

Werdegar, J., was absent and did not participate.

S129359

A104280 First Appellate District,
Division Four

PEOPLE v. MILLER

Petition for review denied

Werdegar, J., was absent and did not participate.

S129360
C044758 Third Appellate District

PEOPLE v. REESE
Petition for review denied

Werdegar, J., was absent and did not participate.

S129366
B169754 Second Appellate District,
Division One

PEOPLE v. HEWITT
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

S129367
B176449 Second Appellate District,
Division Two

SOUTHERN CALIFORNIA EDISON v. S.C. (HILD)
Petition for review denied

Werdegar, J., was absent and did not participate.

S129368
B163831 Second Appellate District,
Division One

HANNA v. SOUTH COAST AIR QUALITY MGMT.
Petition for review denied

Werdegar, J., was absent and did not participate.

S129650
A108409 First Appellate District,
Division One

CRUZ v. S.C. (AKKAYA)
Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S129749

MONTES v. CA 5 (PEOPLE)
Petition for writ of mandate/prohibition denied

“Ex Parte Motion and Application for Temporary Restraining Order” is deemed a petition for writ of mandate, and, as such, is denied.

Werdegar, J., was absent and did not participate.

S129753

B176672 Second Appellate District,
Division Four

CAMPOS v. CA 2/4 (PEOPLE)

Petition for writ of mandate/prohibition denied

Werdegar, J., was absent and did not participate.

S129932

E036992 Fourth Appellate District,
Division Two

RIKER v. S.C.(PEOPLE)

Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S130066

B179943 Second Appellate District,
Division Six

GYUIRE v. S.C. (PEOPLE)

Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S120700

BENNETT (FREDDIE L.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S120982

GUARDADO (PAUL ALBERT) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122434

PHELPS (MARK) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122514

KOLACKI (RICHARD) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122619

COOPER (STEVEN W.) ON H.C.

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122678

ESTRADA (PEDRO S.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122727

GIBSON (JOHN RICHARD) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122802

FOSTER (ERIC JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Miller*
(1941) 17 Cal.2d 734.)
Werdegar, J., was absent and did not participate.

S122815

KERNS (JAMES) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122817

CARAIG (ALBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

S122827

CASTILLO (CHRISTIAN L.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S122872

HOANG (DENNIS N.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

S122910

LOVE (ALFREDRICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

S122914

SCOTT (NOEL PHILLIPE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegarr, J., was absent and did not participate.

S122933

GATEWOOD (RODRICO) ON H.C.
Petition for writ of habeas corpus denied

Werdegarr, J., was absent and did not participate.

S122936

ARCHULETA (PAUL) ON H.C.
Petition for writ of habeas corpus denied

Werdegarr, J., was absent and did not participate.

S122959

TUCKER (MARCELLIOUS D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dixon (1953) 41 Cal.2d 756.)
Werdegarr, J., was absent and did not participate.

S122960

SCOTT (NOEL PHILLIPE) ON H.C.
Petition for writ of habeas corpus denied

Werdegarr, J., was absent and did not participate.

S122965

MCDANIEL (CLIFTON J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegarr, J., was absent and did not participate.

S123004

TANNER-EL (RASHAD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
People v. Pompa-Ortiz (1980) 27 Cal.3d 519; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

S123005

THORNBURY (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

S123013

ROMEO (THOMAS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

S123061

McKINNEY (NATHAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

S123067

RUIZ (TONY) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J. was absent and did not participate.

S123108

JOHNSON (DANIEL C.) ON H.C.
Petition for writ of habeas corpus denied

(Se *In re Waltreus* (1965) 62 Cal.2d 218.)
Werdegar, J., was absent and did not participate.

S123134

NAEEM (JAMIL A.) ON H.C.
Petition for writ of habeas corpus denied

as untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780), and on the merits.’
Werdegar, J., was absent and did not participate.

S123143

WILLIAMS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123150

OLECIK (DENNIS D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
Werdegar, J., was absent and did not participate.

S123157

LETTIER (KEITH L.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123160

CHAN (YEN) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123162

LAWRENCE (TANYA L.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123208

GONZALES (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218.)
Werdegar, J., was absent and did not participate.

S123212

JONES (ELLEN M.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123276

JOHNSON (DEXTER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

S123279

JOHNSON (KEVIN A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegar, J., was absent and did not participate.

S123281

MOLINA (MANUEL) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123286

ACUNA (MARIO A.) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123287

PACKER (EDMUND) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Walthaus* (1965) 62 Cal.2d 218.)
Werdegar, J., was absent and did not participate.

S123303

THOMAS (WILLIE) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S123360

BERNARDEZ (LEROY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegar, J., was absent and did not participate.

S123361

BERNARDEZ (LEROY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)
Werdegar, J., was absent and did not participate.

S125719

NEASMAN (EDDIE) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S127523

CARRANZA (LEEROY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Lindley (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)
Werdegar, J., was absent and did not participate.

S127549

HENNAGAN (THOMAS L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)
Werdegar, J., was absent and did not participate.

S127591

ROBINSON (DARRELL) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S127672CHAN (YEN) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S128060BALU (ARVIND) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegar, J., was absent and did not participate.**S129357**CALVIN (CALVIN JAMES) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S129613FUNCHES (JERRY C.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)
Werdegar, J., was absent and did not participate.**S129662**PORRAS (EDUARDO) ON H.C.
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S128027B168146 Second Appellate District,
Division ThreeMALEK v. BLUE CROSS OF CALIFORNIA
Depublication request denied (case closed)

Werdegar, J., was absent and did not participate.

S128542B166123 Second Appellate District,
Division EightHARPER v. 24 HOUR FITNESS
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S128686D043142 Fourth Appellate District,
Division OneSANCHEZ v. SAN DIEGO UNIFIED SCHOOL DIST.
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S128761

A105637 First Appellate District,
Division One

ZOLLER v. POTTER VALLEY COMMUNITY
UNIFIED SCHOOL DISTRICT
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S128772

A103651 First Appellate District,
Division One

HA v. KOCHIS
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S129013

B169839 Second Appellate District,
Division Six

PEOPLE v. SMITH
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S129447

B167506 Second Appellate District,
Division Six

McDANIEL v. VENTURA COUNTY
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S129611

E033994 Fourth Appellate District,
Division Two

TUDOR RANCH, INC. v. CALIF. DEPT. OF
PESTICIDE REGULATION
Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

S028747

PEOPLE v. SAN NICOLAS (RODNEY)
Time extended to consider modification or rehearing

to March 4, 2005, or the date upon which
rehearing is either granted or denied, whichever
occurs first.

S128840

D041833 Fourth Appellate District,
Division One

RUIZ v. SYSCO FOOD SERVICES
Time extended to grant or deny review

to January 26, 2005

S128943G034600 Fourth Appellate District,
Division ThreeEXCESS & SURPLUS LINES INS. v. S.C. (SPRINT)
Time extended to grant or deny review

to January 27, 2005

S128981

H026539 Sixth Appellate District

JOVICH v. GREEN HILLS SOFTWARE
Time extended to grant or deny review

to February 1, 2005

S129027B166427 Second Appellate District,
Division FourPEOPLE v. MOORE
Time extended to grant or deny review

to February 10, 2005

S029588PEOPLE v. RICHARDSON (CHARLES)
Extension of time granted

to February 22, 2005 to file respondent's brief. After that date, only two further extensions totaling about 150 additional days will be granted. Extension is granted based upon Deputy Attorney General Kathleen A. McKenna's representation that she anticipates filing that brief by 5/25/2005.

S033901PEOPLE v. THOMPSON (CATHERINE)
Extension of time granted

to February 15, 2005 to file appellant's opening brief. Extension is granted based upon counsel Gail R. Weinheimer's representation that she anticipates filing that brief by 2/15/2005. After that date, no further extension will be granted.

S042660PEOPLE v. DEMENT (RONNIE D.)
Extension of time granted

to February 22, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon

Deputy State Public Defender William T.
Lowe's representation that he anticipates filing
that brief by 3/24/2005.

S054489

PEOPLE v. DOOLIN (KEITH Z.)
Extension of time granted

to February 28, 2005 to file appellant's reply
brief. Extension is granted based upon counsel
Robert Derham's representation that he
anticipates filing that brief by 2/28/2005. After
that date, no further extension will be granted.

S056766

PEOPLE v. LEON (RICHARD)
Extension of time granted

to February 15, 2005 to file appellant's opening
brief. After that date, only two further
extensions totaling about 120 additional days
will be granted. Extension is granted based
upon counsel Tami J. based upon counsel Tami
J. Buscho's representation that she anticipates
filing that brief by 6/15/2005.

S058472

PEOPLE v. BENNETT (ERIC WAYNE)
Extension of time granted

to February 18, 2005 to file appellant's opening
brief. After that date, only two further
extensions totaling about 120 additional days
will be granted. Extension is granted based
upon counsel Tamara P. Holland's
representation that she anticipates filing that
brief by 6/22/2005.

S072949

PEOPLE v. BRASURE (SPENCER R.)
Extension of time granted

to February 22, 2005 to file appellant's opening
brief. After that date, only one further extension
totaling about 10 additional days will be
granted. Extension is granted based upon Senior
Deputy State Public Defender John

Fresquez's representation that he anticipates filing that brief by 3/2/2005.

S075616

PEOPLE v. GONZALES & SOLIZ
Extension of time granted

to February 14, 2005 to file appellant SOLIZ'S opening brief. After that date, only one further will be granted. Extension is granted based upon Assistant State Public Defender Jay Colangelo's representation that he anticipates filing that brief by 4/2005.

S075699

PEOPLE v. MARTINEZ (MIGUEL)
Extension of time granted

to February 22, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy State Public Defender Raoul D. Schonemann's representation that he anticipates filing that brief by 3/2005.

S082776

PEOPLE v. REED (ENNIS)
Extension of time granted

to February 15, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 260 additional days will be granted. Extension is granted based upon counsel Gail Harper's representation that she anticipates filing that brief by 11/2005.

S122220

BUTLER (DANNIE LEE) ON H.C.
Extension of time granted

Respondent's time to serve and file the informal response is extended to and including January 26, 2005.

S125276HINTON (ERIC LAMONT) ON H.C.
Extension of time granted

to January 18, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Gary anticipates filing that document by 1/16/2005.

S126233

C038245 Third Appellate District

PEOPLE v. WARNER
Extension of time denied

The application of appellant for an extension of time to serve and file the opening brief on the merits is hereby denied.
A motion for relief from default must demonstrate good cause for the filing of an untimely brief (see Cal. Rules of Court, rule 45(e).)

S126550

C043594 Third Appellate District

PEOPLE v. COTTLE
Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including January 24, 2005.
No further extensions of time will be granted.

S028970PEOPLE v. STITELY (RICHARD)
Order filed

Appellant's request for permission to be represented by two counsel at oral argument is granted.

S054774PEOPLE v. TAYLOR (KEITH DESMOND)
Order filed

The "Motion to Order Compliance With Rule 31.3 Requiring a Single Juror Identification Number," filed on November 12, 2004, is granted. The clerk of this court is directed to return the record to the San

Bernardino County Superior Court. The clerk of that court is directed to replace the juror identification numbers currently appearing on the juror questionnaires associated with the sworn jurors in this case with the corresponding juror identification number contained in the reporter's transcript, to send copies of the corrected questionnaires to counsel for both parties, and to return the corrected record to this court by Friday, January 28, 2005.

Werdegarr, J., was absent and did not participate.

S119248

B150912 Second Appellate District,
B151175 Division Three
B152562

BURBANK, CITY OF v. STATE WATER
RESOURCES CONTROL BOARD
Requests for judicial notice denied

The requests by the Cities of Burbank and Los Angeles filed on December 19, 2003 and March 26, 2004; the request by the Water Boards filed March 8, 2004; the request by Amicus Curiae Cities of Baldwin Park et al. filed on April 23, 2004; and the request by Natural Resources Defense Council filed May 6, 2004.

S130030

B179424 Second Appellate District,
Division Two

GROVIN v. S.C. (PEOPLE)
Order filed

The motion to seal the petition for review is granted. The records are ordered sealed because they involve confidential defense strategy in a capital case. (Pen. Code, § 987.9.) The court finds that an overriding interest overcomes the right of public access to the record; there is a substantial probability the overriding interest will be prejudiced if the record is not sealed; the sealing is narrowly tailored; and no less restrictive means exist to achieve the overriding interest. (Cal. Rules of Court, rule 243.1.)

Werdegarr, J., was absent and did not participate.

S126682

BUCHANAN ON DISCIPLINE
Order filed

Petition for writ of review DENIED.

It is ordered that **STEPHEN JAMES BUCHANAN, State Bar No. 142640**, be suspended from the practice of law for five years and until he makes the specified restitution and until he complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he makes restitution to Remedios Viajar (or the Client Security Fund, if appropriate) in the amount of \$1,116.14 plus 10% interest per annum from June 4, 1999; and to Aurea Filardo (or the Client Security Fund, if appropriate) in the amount of \$1,801.00 plus 10% interest per annum from September 21, 1999, and furnishes satisfactory proof thereof to the State Bar's Office of Probation; and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Stephen James Buchanan** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 10, 2002, as amended by its order filed December 9, 2002. **Stephen James Buchanan** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Busine

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Werdegar, J., was absent and did not participate.

